

ORIGINAL

BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

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DEC 20 2005

Federal Communications Commission
Office of Secretary

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations.)
(Rockmart, Aragon and Ringgold, GA;)
Lynchburg, Chattanooga, Spring)
City, Decatur, Harrison and)
Wartrace, TN))

MB Docket No. 05-282
RM-11229
RM-
RM-

TO: The Secretary
ATTN: Assistant Chief, Audio Division
Media Bureau

REPLY COMMENTS

Tri-State Communications, Inc., licensee of FM Broadcast Station WLJA-FM, Ellijay, Georgia (WLJA), by its attorney, and pursuant to the Notice of Proposed Rulemaking in the above-entitled matter, DA 05-2693, released October 14, 2005, hereby respectfully submits Reply Comments with respect to the "Counterproposal" filed by J. L. Brewer Broadcasting of Cleveland, LLC and J. L. Brewer Broadcasting, LLC (Brewer) on December 5, 2005. WLJA objects to being forced to change its operating frequency from its current assignment of Channel 228A (93.5 MHz) to Channel 266A (101.1 MHz). In so doing, the following is shown:

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1. Brewer's Counterproposal, in its very first paragraph, sets forth the standard by which it must be judged:

As an initial matter, the proposal filed by Women's World Broadcasting, Inc. ("WWB") is defective and must be dismissed. Specifically, WWB's proposal for Channel 296C1 at Aragon, Georgia violates Section 73.315 of the Commission's Rules because it does not provide the required line-of-sight to the community due to intervening terrain. As demonstrated in the Technical Report, this terrain obstacle prohibits the provision of a 70 dBu signal to Aragon. ***

2. As it turns out, Brewer will be unable to provide line-of-sight coverage over the relocated WMPZ(FM) to all of Harrison, Tennessee. Therefore, Brewer's "Counterproposal" must be dismissed as well.

3. There is attached hereto as Exhibit A a technical statement prepared by Clifton G. "Gil" Moor of the firm Bromo Communications, whose qualifications are well known to the FCC. Mr. Moor demonstrates that, from Brewer's reference coordinates for the proposed allocation of Channel 228A at the Harrison CDP, 35° 07' 06" N, 085° 14' 29" W, terrain obstacles will prevent this proposed station from providing line-of-sight 70 dBu coverage to Harrison. Therefore, the Brewer proposal is defective and must be summarily dismissed.

4. Furthermore, the **Faye and Richard Tuck** study supplied by Brewer to demonstrate the "independence" of Harrison is somewhat less than edifying.

5. First, that there may be "approximately 100 businesses and commercial establishments" does not come close to proving that residents of Harrison work in Harrison. On the one hand, Brewer claims that Harrison has a 2000 Census population of 7,630. However, Brewer fails to show exactly how many actual jobs exist in Harrison. As to this point, Brewer failed to make a probative showing.

6. As to the second point, Brewer cleverly avoids mentioning that Harrison has no local media. The four radio stations listed (WJTT, WGOW-FM, WKXJ and WTRZ-FM) are all licensed to suburbs of Chattanooga. Harrison receives most of its over-the-air television service and daily newspaper from Chattanooga (see Exhibit C). On information and belief, the local cable television system is the system that serves Chattanooga, operated by Comcast.

7. As to the third point, it is probably not surprising that Brewer could find only three "civic organizations" at Harrison-according to the on-line encyclopedia Wikipedia, Harrison existed as a town prior to the establishment of the Tennessee Valley Authority, but was destroyed when Chickamauga Lake was created, which flooded

the former town. Harrison today is an unincorporated place located along the eastern shore of Chickamauga Lake.

8. As to the fourth point, Harrison is unincorporated and has no local governmental institutions. While it may have a post office and a volunteer fire department, it has no municipal government. Hamilton County is administered from Chattanooga; the local schools are operated by the Hamilton County School Board; and the local lake is administered by the federal Tennessee Valley Authority.

9. While Harrison has a post office, zip code and some commercial establishments, interestingly enough, those establishments which choose to belong to a chamber of commerce belong to the Greater Chattanooga Chamber of Commerce (see Exhibit B). As Harrison is unincorporated, it does not provide "municipal services". The Volunteer Electric Cooperative referred to in the Brewer pleading is, according to its website, an electric cooperative headquartered in Decatur, Tennessee with 100,000 subscribers in 17 counties in middle and east Tennessee. The Savannah Valley Utility District is a board appointed by the Hamilton County Board of Commissioners.

10. And the claim that Harrison is a separate advertising market from Chattanooga is laughable. A news article relative to a lawsuit brought against the "Hamilton

County Herald", a weekly newspaper, indicated that the mail circulation of that paper is a whopping 362¹. Furthermore, that paper has a Chattanooga address (see Exhibit C, a media exhibit which appears on the website of the Chattanooga Area Chamber of Commerce). Furthermore, Exhibit C reveals that the "Signal Mountain Mirror" has an address in Lookout Mountain, Georgia.

11. Therefore, Harrison fails the **Faye and Richard Tuck** test.

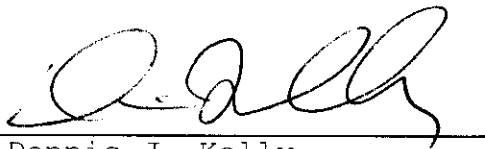
12. Thus, Tri-State objects to being forced to change channels, which is an inconvenience to the listening public, in order to accommodate a proposal which violates the FCC's rules and policies and would serve only to permit WMPZ(FM) to have better coverage of Chattanooga at the expense of the public interest generally and Ringgold, Georgia particularly.

¹http://www.chattanooga.com/articles/article_56225.asp

WHEREFORE, it is urged that the "Counterproposal" filed on December 5, 2005 by J. L. Brewer Broadcasting of Cleveland, LLC and J. L. Brewer Broadcasting, LLC **BE DISMISSED OR DENIED.**

Respectfully submitted,

TRI-STATE COMMUNICATIONS, INC.

By 
Dennis J. Kelly
Its Attorney

LAW OFFICE OF DENNIS J. KELLY
Post Office Box 41177
Washington, DC 20018
Telephone: 202-293-2300

December 20, 2005

EXHIBIT A

Technical Comments
Filed by Tri-States Communications, Inc.
Regarding Counterproposal to MB Docket No. 05-282
December 2005

These Technical Comments are filed on behalf of Tri-States Communications, Inc, ("Tri-States") licensee of WLJA-FM, Ellijay, Georgia. J. L. Brewer Broadcasting of Cleveland, LLC, ("Brewer") in a recent counterproposal to MB Docket No. 05-585, RM – 11229, has proposed a change of channel for Tri-States from the currently licensed Channel 228A to Channel 266A. These Tri-States comments oppose the Brewer counterproposal.

Tri-States has examined the Channel 228A proposal by Brewer at Harrison, Tennessee. The proposed allocation reference is North Latitude 35 07 06 and West Longitude 85 14 29. The East Chattanooga, Tennessee 7.5 minute topographic map was consulted to determine the allocation reference has a site elevation of 670 feet (204.2 meters). The 03 second terrain database was consulted to determine that a Class A maximum station at this site would have a center of radiation above mean sea level of 378.59 meters. Simple subtraction indicates that the hypothetical supporting structure would be 174.39 meters (572 feet) above ground level.

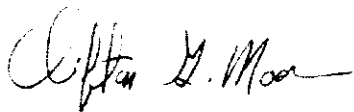
A series of terrain radials were drawn from the proposed allocation reference to areas of the Harrison CDP. This CDP is far larger than a small community, it is very conservatively 4.5 KM north to south as well as another 4.5 KM east to west. It takes a rather large area to house the 7,630 residents of Harrison, Tennessee CDP. Radials in the 84, 85, 86 and 87 degree azimuths are drawn. Each radial is drawn from the class maximum height of 378.59 meters AMSL. Each of these four radials has pockets of severe shadowing through the Harrison, Tennessee CDP which is indicated by the shaded areas. In each case, the extreme right side of the radial coincides with where that radial exits the CDP.

A check was made to see how Brewer addressed this severe shadowing in the counterproposal. Brewer did accurately draw a single radial to one area of the Harrison, Tennessee, CDP, but ignored all other areas and radials. Clearly, the four consecutive radials Tri-States has brought to light represent a major swath through the heart of the Harrison, Tennessee CDP that does not receive the required line-of-sight service due to intervening terrain. This lack of line-of-sight to the Harrison, Tennessee CDP causes the Brewer counterproposal to be defective.

It is apparent that Brewer values a true non-obstructed line-of-sight path to a community of license. Brewer objected to MB Docket No. 05-282, RM – 11229 filed by Women's World Broadcasting, Inc. (first service to Aragon, Georgia) on the basis of lack of line-of-sight. Brewer then filed a counterproposal that supposedly was without defect. However, these Tri-State comments are intended to cite a defect in the Brewer proposal, violation of Section 73.315 (b), that will cause it to be dismissed as defective.

Because of the defective Harrison, Tennessee counterproposal filed by Brewer, the counterproposal should be returned as defective and Tri-States' WLJA-FM, Ellijay, Georgia should be allowed to continue operation on its longtime assigned channel, 228A, without interruption or the confusion associated with any change of channel.

All information contained herein is thought to be accurate to the knowledge of the undersigned.

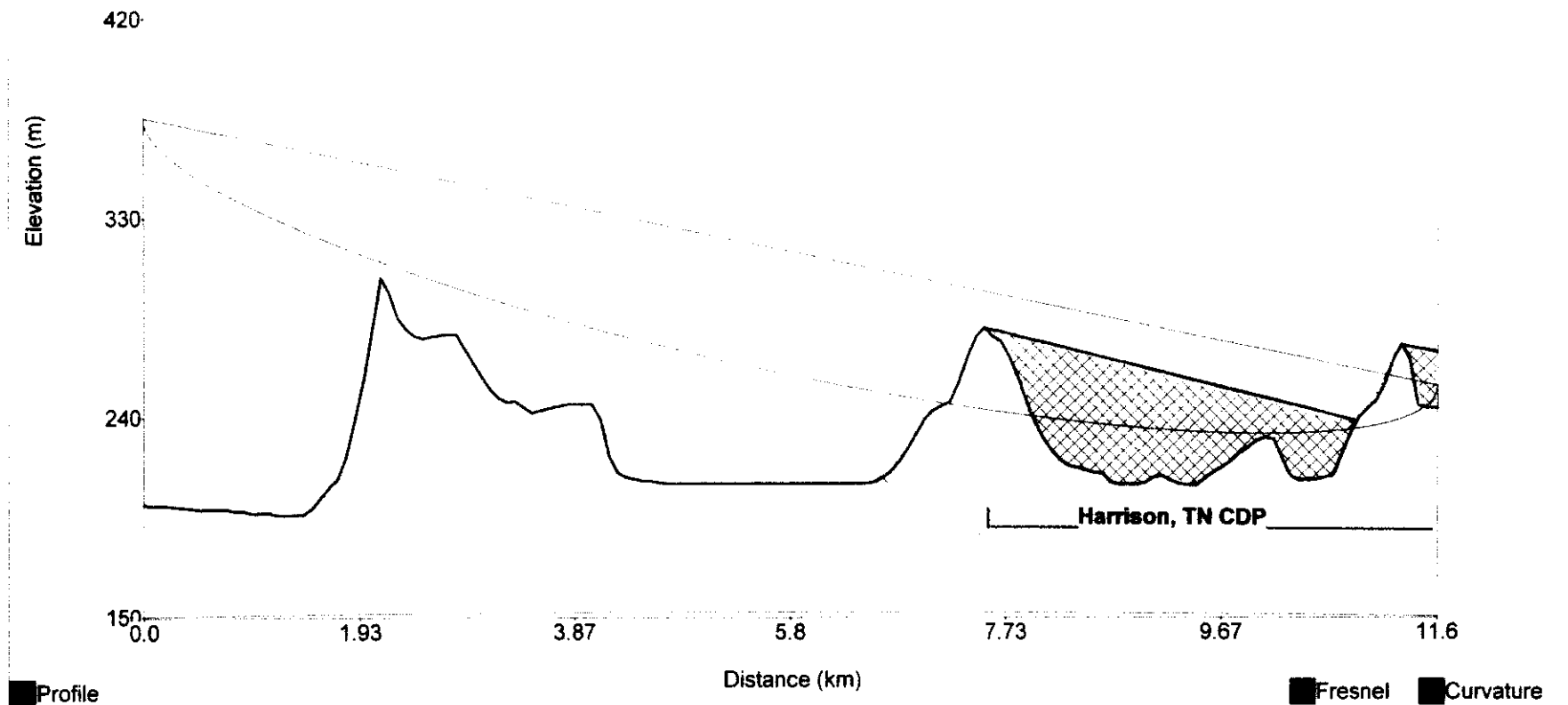


Clifton G. Moor, Bromo Communications, Inc.
Technical Consultant to Tri-States Communications, Inc.

December 19, 2005

**84 Degree Radial through
Harrison, TN CDP
COR 378.59 M AMSL**

Earth's Curvature = 1.33



Starting Latitude: 35-07-06 N
Starting Longitude: 085-14-29 W

End Latitude: 35-07-45.11 N
End Longitude: 085-06-53.35 W

Distance: 11.6 km
Bearing: 84 deg

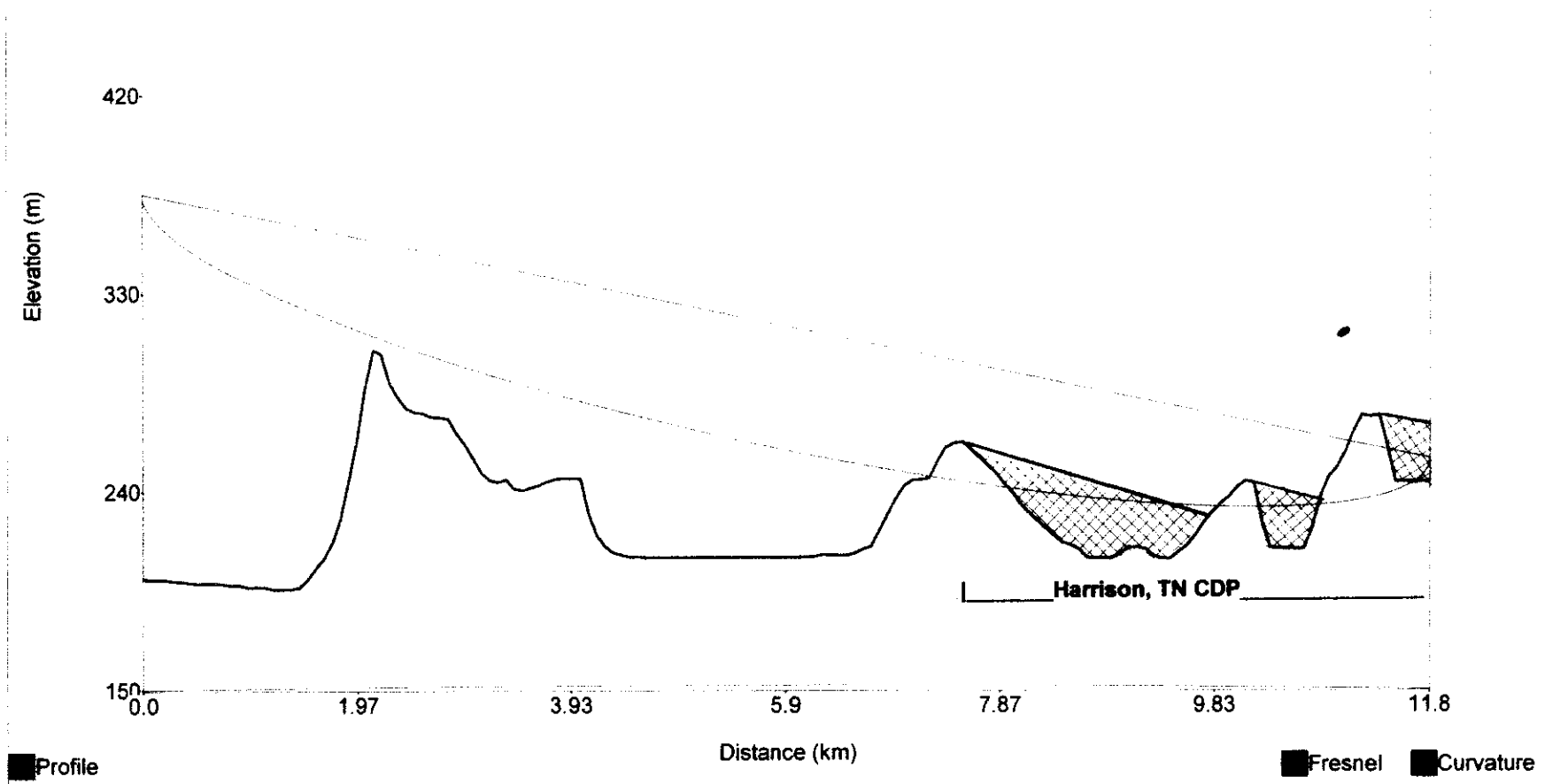
Transmitter Height (AG) = 174.4 m
Receiver Height (AG) = 10.0 m

Transmitter Elevation = 200.6 m
Receiver Elevation = 244.0 m

Frequency = 93.5 MHz
Fresnel Zone: 0.6

**85 Degree Radial through
Harrison, TN CDP
COR 378.59 M AMSL**

Earth's Curvature = 1.33



Starting Latitude: 35-07-06 N
Starting Longitude: 085-14-29 W

End Latitude: 35-07-39.13 N
End Longitude: 085-06-44.72 W

Distance: 11.8 km
Bearing: 85 deg

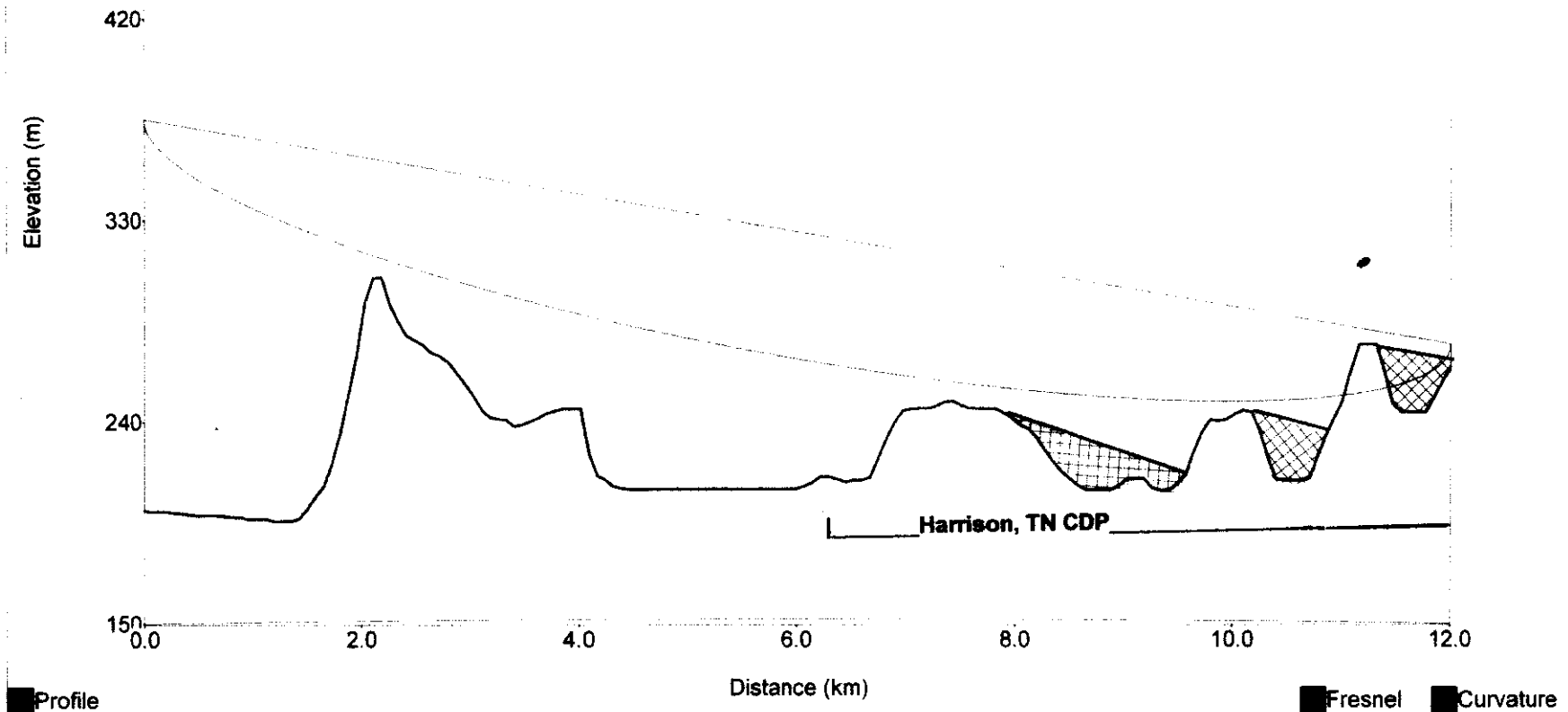
Transmitter Height (AG) = 174.4 m
Receiver Height (AG) = 10.0 m

Transmitter Elevation = 200.6 m
Receiver Elevation = 244.7 m

Frequency = 93.5 MHz
Fresnel Zone: 0.6

**86 Degree Radial through
Harrison, TN CDP
COR 378.59 M AMSL**

Earths Curvature = 1.33



Starting Latitude: 35-07-06 N
Starting Longitude: 085-14-29 W

End Latitude: 35-07-32.91 N
End Longitude: 085-06-36.21 W

Distance: 12.0 km
Bearing: 86 deg

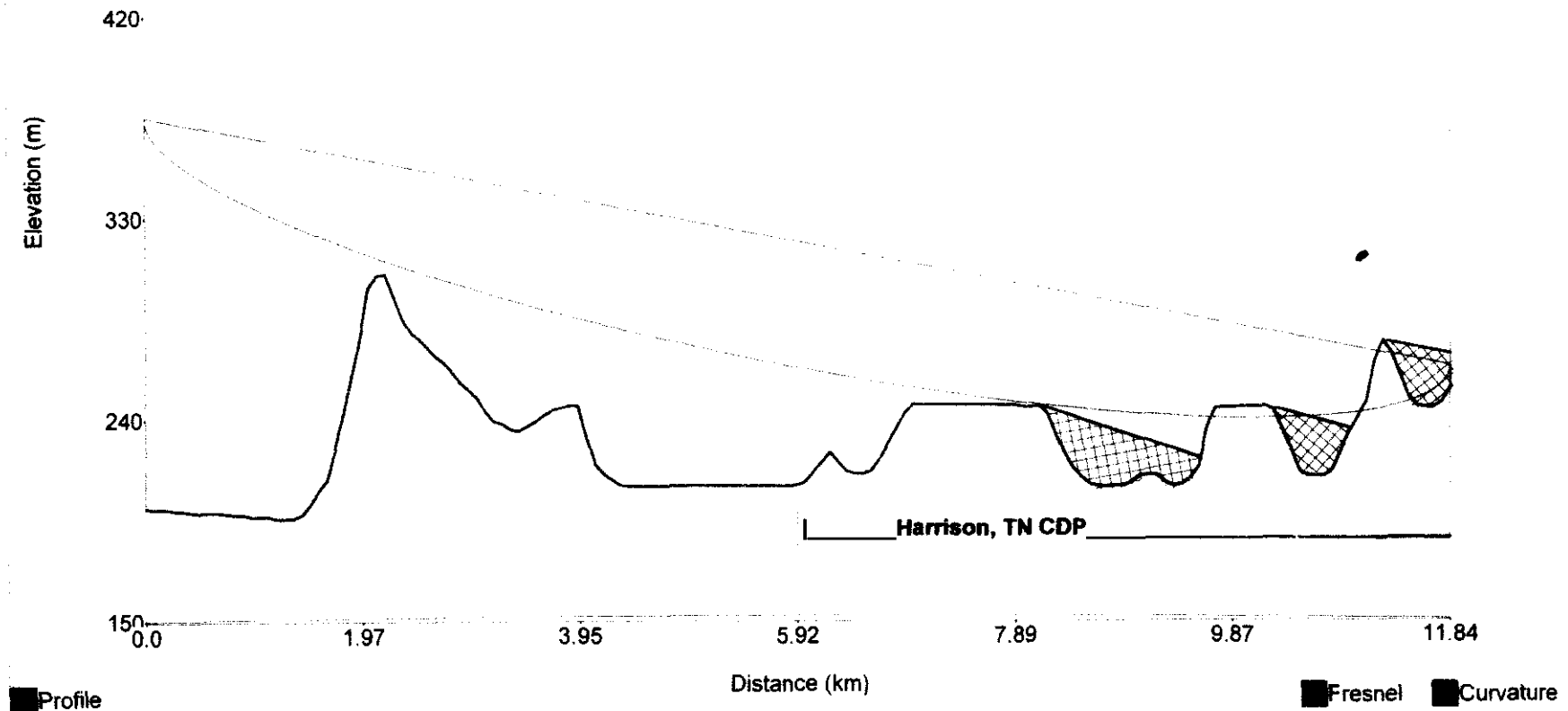
Transmitter Height (AG) = 174.4 m
Receiver Height (AG) = 10.0 m

Transmitter Elevation = 200.6 m
Receiver Elevation = 264.6 m

Frequency = 93.5 MHz
Fresnel Zone: 0.6

Earth's Curvature = 1.33

87 Degree Radial through
Harrison, TN CDP
COR 378.59 M AMSL



Starting Latitude: 35-07-06 N
Starting Longitude: 085-14-29 W

End Latitude: 35-07-25.86 N
End Longitude: 085-06-42.03 W

Distance: 11.84 km
Bearing: 87 deg

Transmitter Height (AG) = 174.4 m
Receiver Height (AG) = 10.0 m

Transmitter Elevation = 200.6 m
Receiver Elevation = 253.0 m

Frequency = 93.5 MHz
Fresnel Zone: 0.6

BROMO BROADCAST
COMMUNICATIONS TECHNICAL CONSULTANTS

EXHIBIT B

Chattanooga Area Chamber of Commerce

View **NEW** Members!

KeyWord(s)/Phrase

Go

Members: 1-10 of 14 records displayed.

Page: 1 of 2 Go to Page: [1] [2]

☒ All ☐ Any ☐ Exact
Advanced Search

New Members

**Leadership
Investor**

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Grant, Konvalinka & Harrison

633 Chestnut Street, Suite 900
Republic Centre
Chattanooga, TN 37450
United States
(423) 756-8400
Category: Attorneys
Map | MyList | More Info

Base Member**Back Yard Burgers**

Back Yard Burgers
4417 Highway 58
Chattanooga, TN 37416
(423) 886-2442
Category: Restaurants
Map | MyList | More Info

The Bear Trace at Harrison Bay

8919 Harrison Bay Rd
Harrison, TN 37341
United States
(423) 326-0885
Category: Golf Courses-Public
Web Site | E-Mail | Map | MyList | More Info

First Tennessee Bank

137 Harrison Lane
Soddy-Daisy, TN 37379
(423) 451-0414
Category: Banks
Web Site | Map | MyList | More Info

First Tennessee Bank

Harrison
5914 Highway 58
Harrison, TN 37341
(423) 954-2567
Category: Banks
Web Site | Map | MyList | More Info

Fox2, LLC

PO Box 546
Harrison, TN 37341-0546
United States
(423) 267-7330
Category: Computer Networking
Web Site | E-Mail | Map | MyList | More Info

**Helms Briscoe**

6838 Buck Trail Drive

Harrison, TN 37341
(423) 326-1797
Category: Meeting Planning
[Web Site](#) | [E-Mail](#) | [Map](#) | [MyList](#) | [More Info](#)

Home Builders Assn of Southern Tennessee

3221 Old Harrison Pike
Chattanooga, TN 37406
United States
(423) 624-9992
Category: Business & Trade Organizations
[Web Site](#) | [E-Mail](#) | [Map](#) | [MyList](#) | [More Info](#)

Howie Promotions

13109 Eldridge Rd
Harrison, TN 37341
United States
(423) 344-4266
Category: Advertising Specialties
[Web Site](#) | [E-Mail](#) | [Map](#) | [MyList](#) | [More Info](#)

Island Cove Marina & Resort

PO Box 489
6701 Highway 58 N.
Harrison, TN 37341
United States
(423) 344-8331
Category: Marinas
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Cross**Linda's Produce**6304 Cooley Road
Harrison, TN 37341
United States
(423) 629-5317
Category: Produce - Vegetables & Fruits
Map | MyList | More Info**Print-A-Scent, Inc.**6031 Morning Glory Drive
Harrison, TN 37341
United States
(423) 698-1770
Category: Printing
E-Mail | Map | MyList | More Info**Pro Player Sports**7008 Cedar Crest Circle
Harrison, TN 37341
(423) 344-7900
Category: Sports Organization
Web Site | E-Mail | Map | MyList | More Info**The Mobile Blind Company**7725 Lasata Lane
Harrison, TN 37341
(423) 954-2091
Category: Blinds
Web Site | Map | MyList | More InfoMembers: 11-14 of 14 records displayed.
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Local Media List

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J.Ed. Marston, Vice President of Marketing and Communications
 811 Broad St.
 Chattanooga, TN 37402
 Phone: (423) 763-4347
 FAX: 423-267-7242
jmarston@chattanooga-chamber.com
www.chattanooga-chamber.com

WIRE SERVICE

Associated Press
 400 E. 11th St.
 Chattanooga, TN 37403
 Phone: (423) 266-4600
 FAX: (423) 266-8141
 Correspondent: Bill Poovey
bpoovey@ap.org

Daily NEWSPAPERS - Hamilton County

Chattanooga Times Free Press
 400 E. 11th St.
 P.O. Box 1447
 Chattanooga, TN 37401
 Phone: (423) 756-6900
 FAX: (423) 757-6383
www.timesfreepress.com
 Format: Daily morning newspaper

The Chattanooga.com
 P.O. Box 2331
 Chattanooga, TN 37409
 Phone: (423) 266-2325
 FAX: (423) 821-8724
 Email: news@chattanooga.com
www.chattanooga.com
 Format: Daily internet-only newspaper

Daily NEWSPAPERS - Surrounding Area

Cleveland Daily Banner
 1505 25th St., NW
 Cleveland, TN 38301-6126
 Phone: (423) 472-5041
 FAX: (423) 476-1046
 Format: Daily newspaper

The Daily Citizen-News
 308 S. Thornton Ave.
 Dalton, GA 30722-1167
 Phone: (706) 217-6397
 FAX: (706) 275-6641
 Format: Daily newspaper

The Daily Post-Athenian

320 S. Jackson St.
Athens, TN 37371-0340
Phone: (423) 745-5664
FAX: (423) 745-8295
Format: Daily newspaper

Weekly NEWSPAPERS - Hamilton County

Chattanooga Courier
611 Martin Luther King Jr. Blvd.
Chattanooga, TN 37403
Phone: (423) 267-2313
FAX: (423) 267-2414
Format: Weekly newspaper serving the African-American community

Hamilton County Herald
633 Chestnut St., Ste. 600
Chattanooga, TN 37450
Phone: (423) 267-8323
FAX: (423) 266-6784
Format: Weekly newspaper

Lookout Mountain Mirror
112 N. Wautauga Ave.
Lookout Mountain, GA 37350
Phone: (423) 822-NEWS
Fax: (423) 822-7935

The Pulse
100 Cherokee Blvd., Ste 311
Chattanooga, TN 37405
Phone: (423) 648-7857
Email: info@chattanoogapulse.com
Format: Weekly alternative newspaper

Signal Mountain Mirror
112 N. Wautauga Ave.
Lookout Mountain, GA 37350
Phone: (423) 822-NEWS
Phone: (423) 886-6030
Format: Weekly newspaper covering Signal Mountain

Signal Mountain Post
P.O. Box 2070
Fort Oglethorpe, GA 30742
Phone: (706) 866-1020
FAX: 706-866-1128
Format: Weekly newspaper covering the Signal Mountain area

Student NEWSPAPERS

Southern Accent
Southern Adventist University
P.O. Box 370
Collegedale, TN 37315
Phone: (423) 236-2721
Fax: (423) 236-1723 (Attn: Southern Accent)

The University Echo
The University of Tennessee at Chattanooga
615 McCallie Ave.
Chattanooga, TN 37402
Phone: (423) 755-4298
FAX: 423-755-5357
Format: Weekly student newspaper

Weekly NEWSPAPERS - Surrounding area

North Georgia Busy Shopper

P.O. Box 2070
Fort Oglethorpe, GA 30742
Phone: (706) 866-1020
FAX: (706) 866-1128
Format: Weekly newspaper covering North Georgia

Monthly NEWSPAPERS - Surrounding area

East Tennessee Business Journal
459 Ringgold Road, Suite 107
P.O. Box 9794
Phone: (423) 629-7500
www.etbj.com
Format: Monthly business newspaper

MAGAZINES

Chattanooga CityScope
P.O. Box 16295
Chattanooga, TN 37416
Phone: (423) 266-3440
FAX: (423) 266-9440
Format: Quarterly city lifestyle magazine

Chattanooga Magazine
6131 Airways Blvd.
Chattanooga, TN 37421
Phone: (423) 485-4751
FAX: (423) 648-7748
Format: Quarterly city magazine

Commerce
P.O. Box 2070
Fort Oglethorpe, GA 30742
Phone: (706) 866-1020
FAX: (706) 866-1128
Format: Monthly business magazine

Commercial Network
1200 Mountain Creek Road, Suite 142
Chattanooga, TN. 37405
Phone: (423) 870-6939
FAX: (423) 870-5368
Format: Monthly business magazine

Forte
P.O. Box 23207
Chattanooga, TN 37421-2227
Phone: (423) 899-7896
FAX: (423) 490-3490

Mint Magazine
6005 Century Oaks Drive, Suite 500
Chattanooga, TN 37416
Phone: (423) 855-3292
Fax: (423) 855-7565
Format: Business magazine, eight annual publications

TELEVISION STATIONS

WDEF TV-12 (CBS)
3300 South Broad Street
Chattanooga, TN 37408
Phone: (423) 785-1200
FAX: (423) 785-1273

WDSI TV-61 (FOX)
1101 E. Main St.
Chattanooga, TN 37408
Phone: (423) 265-0061

FAX: (423) 242-6400

WFLI TV-53 (UPN, WB)
6024 Shallowford Road, Ste. 100
Chattanooga, TN 37421
Phone: (423) 893-9553
FAX: (423) 893-9853

WRCB TV-3 (NBC)
900 Whitehall Road
Chattanooga, TN 37405
Phone: (423) 267-5412
FAX: 423-756-3148

WTCI TV-45 (PBS)
4411 Amnicola Highway
Chattanooga, TN 37406
Phone: (423) 629-0045
FAX: (423) 698-8557

WTVC TV-9 (ABC)
4279 Benton Drive 37406
P.O. Box 60028
Chattanooga, TN 37406
Phone: (423) 756-5500
FAX: (423) 757-7401

WYHB TV-39
7445 Shallowford Road
Chattanooga, TN 37421
Phone: (423) 899-1939
FAX: (423) 855-7381

RADIO STATIONS

WGOW Talk FM 102.3, AM 1150, WSKZ FM 106.5, WOGT FM 107.9
821 Pineville Road
P.O. Box 11202
Chattanooga, TN 37401
Phone: (423) 756-6141
FAX: (423) 266-3629
Format: Assigns reporters to cover news, a.m. drive talk includes
newsmaker; WGOW FM, WGOW AM, talk; WSKZ, classic rock; WOGT, oldies

WOCE, La Buena 93.1
5312 Ringgold Rd., Suite 201
Chattanooga, TN 37412
Phone: (423) 485-8987
FAX: (423) 485-8946
labuena@bellsouth.net
Format: Mexican Regional, Spanish language News, Weather, and Music.

WUSY FM 100.7
7413 Old Lee Highway
Chattanooga, TN 37421
Phone: (423) 892-5530
FAX: (423) 899-7224
www.US101news@clearchannel.com
Format: Country; assigns reporters to cover news

WAWL FM 91.5
4501 Amnicola Highway
Chattanooga, TN 37406
Phone: (423) 697-4406
FAX: (423) 697-4740
Format: Album-oriented college rock

WBDX FM 102.7
2288 Gunbarrel Road, Suite 214
Chattanooga, TN 37421
Phone: (423) 892-1200
FAX: (423) 892-1633
Format: Adult contemporary Christian music

WDEF AM 1370, FM 92.3
2615 South Broad Street

Chattanooga, TN 37408
Phone: (423) 321-6200
FAX: (423) 321-6282
Format: Contemporary, easy listening, talk show: "Luther and Company"

WDOD AM 1310, FM 96.5
P.O. Box 1449
Chattanooga, TN 37405
Phone: (423) 321-6200
FAX: (423) 321-6784
Format: AM 1310, "Earl Freudenberg Show"
Format: 96.5, contemporary rock

WDYN FM 89.7
Tennessee Temple University
1815 Union Ave.
Chattanooga, TN 37404
Phone: (423) 493-4382
FAX: (423) 493-4526
Format: Gospel, all Christian

WFLI AM 1070
621 O'Grady Drive
Chattanooga, TN 37419
Phone: (423) 821-3555
FAX: (423) 821-3557
Format: Gospel

WJTT FM 94.3
1305 Carter St.
Chattanooga, TN 37402
Phone: (423) 265-9494
FAX: (423) 266-2335
Format: Urban contemporary

WLMR AM 1450
3809 Ringgold Road
P.O. Box 75725
Chattanooga, TN 37407-5725
Phone: (423) 624-4200
FAX: (423) 624-4722
Format: Contemporary Christian

WMBW FM 88.9
1920 East 24th Street Place
P.O. Box 73026
Chattanooga, TN 37404
Phone: (423) 629-8900
FAX: (423) 629-0021
Format: Education, contemporary Christian themes

WNOO AM 1260 Program Director Ken Bryant
1108 Hendricks Street
P.O. Box 5156
Chattanooga, TN 37406
Phone: (423) 698-8617
FAX: (423) 698-9378
Format: Gospel

WSMC FM 90.5
P.O. Box 870
Collegedale, TN 37315
Phone: (423) 238-2905
FAX: (423) 238-3168
Format: Classical and news

WUTC FM 88.1
University of Tennessee at Chattanooga
615 McCallie Ave.
Chattanooga, TN 37403-2504
Phone: (423) 755-4756
Studio: (423) 265-9882
FAX: (423) 785-2379
Format: NPR news, jazz, blues, classical

811 Broad St. Chattanooga, TN 37402 | 423.756.2121, Fax: 423.267.7242 | **Customer Service**
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CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing "Reply Comments" were served by first-class United States mail, postage prepaid, on this 20th day of December, 2005 upon the following:

Lauren A. Colby, Esquire
Law Office of Lauren A. Colby
10 East 4th Street
Frederick, MD 21701
Counsel for Woman's World Broadcasting, Inc.

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